

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

Cem

UNITED STATES OF AMERICA,

Plaintiff,

v.

GALLEGOS-Cosio, Alfredo

Defendant,

FILED
Magistrate Docket No. 08 MJ 0610
Case No. 08 FEB 29 AM 11:11

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

(AMENDED)

COMPLAINT FOR VIOLATION OF:

Title 8 USC, Section 1326

Deported Alien Found in the United States

(Felony)

The undersigned complainant, being duly sworn, states:

On or about February 27, 2008, within the Southern District of California, Defendant Alfredo GALLEGOS-Cosio, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Special Agent Michael Haynes
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29th DAY OF FEBRUARY 2008.



Hon. Nita L. Stormes
U.S. Magistrate Judge

CEM

STATEMENT OF FACTS

Alfredo GALLEGOS-Cosio came to the author's attention in February of 2008 via a law enforcement source. The author was informed that GALLEGOS had recently been deported from the United States and that he had likely returned to the United States unlawfully. The author conducted a review of records to determine the accuracy of this information.

A review of GALLEGOS' alien file revealed a form I-213 (Record of Deportable/Inadmissible Alien) that identifies him as a native and citizen of Mexico born October 12, 1955. An immigration judge's order of deportation dated November 10, 1998, was discovered, as was a form I-205 (Warrant of Deportation/Removal). This latter form documents GALLEGOS' physical removal from the United States to Mexico through the port at San Ysidro, California, on December 21, 2007, pursuant to the aforementioned immigration judge's order.

Through a review of records maintained by the County of San Diego, the author determined that GALLEGOS been contacted by local law enforcement on December 5, 2007. During that encounter, GALLEGOS' address was recorded as 726 Woodlawn Avenue, Chula Vista, California. It was this contact that resulted in his removal from the United States on December 21, 2007.

On the morning of February 27, 2008, the author traveled to 726 Woodlawn Avenue. ICE Special Agent Michael Willever accompanied the author. He had been shown photographs of GALLEGOS prior to arrival. At approximately 10:00 a.m. on the morning of February 27, 2008, the author observed a male matching GALLEGOS' description walk from the residence and stand in the street. Upon driving past this male, the author recognized him from the photographs taken after the aforementioned December 5, 2007, encounter. Special Agent Willever also recognized this individual as GALLEGOS.

A review of records maintained by the U.S. Department of Homeland Security yields no indication that GALLEGOS has applied for or received permission to reapply for admission to the United States after deportation.